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OFFICE OF PETITIONS

In re Application of
George JACKOWSKI, *et al.*
Application No. 09/846,779
Filed: April 30, 2001
Attorney Docket No. 2132.038

ON PETITION

This is a decision on petition under 37 CFR 1.137(b), filed on September 30, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed on September 16, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned, by operation of law, on December 17, 2003. A Notice of Abandonment was mailed on April 20, 2004.


The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) a reply in the form of the argument and amendment under 37 CFR 1.111; (2) the petition fee of \$750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office Action of September 16, 2003 is accepted as having been unintentionally delayed.

Since the above-identified application is not a utility or plant application filed before June 8, 1995, a terminal disclaimer under 37 CFR 1.137(d) is not required. The terminal disclaimer fee of \$65 is being credited to Deposit Account No. 50-1803.

Telephone inquiries concerning this decision should be directed to Anatoly Vortman at (571) 272-6051, or in his absence to the undersigned at (571) 272-7099.

Application No. 09/846,779

The application file is being referred to Technology Center AU 1654 for appropriate action on the concurrently filed amendment.


David Buccì
Petitions Examiner
Office of Petitions